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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SUSUMU TAKATSUKA

Appeal 2015-006155
Application 12/411,031
Technology Center 2600

Before CARLA M. KRIVAK, CAROLYN D. THOMAS, and
JOHN R. KENNY, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1–14 and 17–19, all the pending claims in the present application. Claims 15 and 16 are canceled. *See* Claim Appendix. We have jurisdiction over the appeal under 35 U.S.C. § 6(b). An Oral Hearing was held April 6, 2017.

We REVERSE.

The present invention relates generally to a speech synthesis apparatus that selects a text content to be converted into speech. *See* Abstract.

Claim 1 is illustrative:

1. A speech synthesis apparatus comprising:
 - a receiver that receives an e-mail as a text content item;
 - a memory that stores the text content item to be converted into speech;
 - a content selection unit that selects the text content item to be converted into speech based on a vocal command from a user in which the user commands that the received e-mail be read aloud;
 - a related information selection unit that selects related information which can be at least converted into text and which is related to the text content item selected by the content selection unit, wherein the related information includes at least identification of a sender of the e-mail, and wherein when the name of the sender is locally stored in association with an e-mail address of the sender prior to receipt of the e-mail, the name of the sender is used as the identification of the sender, and when the name of the sender is not locally stored in association with an e-mail address of the sender prior to receipt of the e-mail, the e-mail address is used as the identification of the sender;
 - a data addition unit that converts the related information selected by the related information selection unit into text by inserting the related information into a predetermined type of phrase to form a text phrase, and adds text data of the text phrase to text data of the text content item selected by the content selection unit, wherein the predetermined type of phrase includes at least one predetermined location within the phrase at which the identification of the sender of the e-mail is inserted;
 - a text-to-speech conversion unit that converts the text data supplied from the data addition unit into a speech signal; and
 - a speech output unit that outputs the speech signal supplied from the text-to-speech conversion unit.

Appellant appeals the following rejections:

R1. Claims 1–14 and 17–19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephens (US 2008/0059189 A1, Mar. 6, 2008), Leventhal (US 2009/0055187 A1, Feb. 26, 2009), and Simoneau (US 7,415,409 B2, Aug. 19, 2008); and

R2. Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephens, Leventhal, Simoneau, and Cooper (US 8,000,453 B2, Aug. 16, 2011).

ANALYSIS

Issue: Did the Examiner err in finding that the combined teachings, particularly Simoneau's, teach or suggest that *when the name of the sender is not locally stored . . . the e-mail address is used as the identification of the sender*, as set forth in claim 1?

Appellant contends that “while Simoneau may disclose generally locating the e-mail address of a person . . . Simoneau clearly does not disclose using the e-mail address of the person . . . when the actual name is not locally stored” (App. Br. 13). We agree with Appellant.

The Examiner finds that “nowhere is it claimed that the email address verbatim replaces the name of the sender” and that Simoneau “does not rely on locally stored information alone . . . the identification of a sender, his name or other metadata related to the sender of an email can be easily obtained by the crawlers from disparate sources even if not stored locally” (Ans. 3). Although we agree with the Examiner that claim 1 does not *verbatim* state that the email address replaces the name of the sender, claim 1 does recite that *the email address is used as the identification of the sender*, when the name of the sender is not locally stored, and that this email address is outputted by the speech output unit (*see* claim 1).

In other words, claim 1 requires that a determination is first made as to whether the sender's name is locally stored prior to receipt of the email, and depending upon the outcome, either the “name” or “email address” of

the sender is used as the identification of the sender that is output by the speech output unit (*id.*). Here, the Examiner has merely directed our attention to the fact that Simoneau does not rely solely on locally stored information, but rather acquires information (including email addresses) from many repositories through crawling (*see* Ans. 3, citing Simoneau 3:55–67; 4:1–10, Fig. 1).

For example, Simoneau discloses that “[t]he index **115** is built by acquiring documents from many locations” (3:63–64) and “[t]he documents thus retrieved are converted by document converters **160** in order to extract textual content and metadata from the documents [and] [e]mails from an email source can hence be obtained by crawling” (4:3–6). However, the Examiner has not shown where Simoneau, or any of the other cited references, determines when the name of the sender is not locally stored prior to receipt, using the email address of the sender in an outputted speech signal, as required by the claims. At best, in order to index and train the speech recognition engine, Simoneau links email addresses with a group of voicemail contacts and uses the textual content of the email documents to generate training data (*see* Simoneau 4:24–63). However, the Examiner has not shown that Simoneau teaches determining *when* to use the email address itself as the identification of the sender and actually outputting the same as speech.

We are therefore constrained by the record before us find the Examiner erred in rejecting independent claim 1, and independent claims 5, 7, 9, 11, and 19 for similar reasons.

Since we agree with at least one of the arguments advanced by Appellant, we need not reach the merits of Appellant’s other arguments.

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Accordingly, we will *not* sustain the Examiner's obviousness rejection of claims 1–14 and 17–19.

DECISION

The decision of the Examiner to reject claims 1–14 and 17–19 is reversed.

REVERSED